

**ORDINANCE NO: 5345**

**AN ORDINANCE AMENDING CHAPTER 5 (ALCOHOLIC BEVERAGES), ARTICLE II (LICENSES), SECTION 5-17(13) (AIRPORT TERMINAL RESTAURANT) OF THE CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES**

WHEREAS, The City of Minot has the authority to regulate the use and to regulate and license the sale of alcoholic beverages pursuant to NDCC § 40- 05-01(29);

WHEREAS, The City of Minot previously enacted various Ordinances under the Chapter 5 of the City of Minot Code of Ordinances relating to Alcoholic Beverages;

WHEREAS, The City of Minot wishes to amend section 5-17(13), relating to the airport terminal restaurant license to allow for the premises to be in the unsecured portion of the airport terminal.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1: That Section 5-17(13), Article II (Licenses), Chapter 5 (Alcoholic Beverages), of the Code of Ordinances, City of Minot, North Dakota, is hereby amended and re-enacted to read as follows:

*(13) Airport terminal restaurant.*

- a. The airport terminal restaurant license is for the on-sale of liquor, beer, and wine for the operator of any restaurant located in the terminal building of the Minot International Airport.
- b. Fee. The fee for the airport terminal restaurant license shall be three thousand one hundred twenty-five dollars (\$3,125.00) per year.
- c. Premises. A recipient of the airport terminal restaurant license shall be allowed to serve alcoholic beverages only in the area identified as the restaurant within the Minot International Airport.
- d. Restrictions.
  1. An airport terminal restaurant license shall operate a restaurant on the licensee's premises and shall derive, on an annual basis, more income from the sale of food consumed on its business premises than it does from the sale of alcoholic beverages consumed on its business premises.
  2. The airport terminal restaurant license is not transferrable and, in the event the operator of the restaurant shall cease to do business at the Minot International Airport, any license issued under this section shall promptly terminate and the license shall revert to the city as an unissued license to be held by the city and available for any subsequent restaurant operator who may lease the restaurant located in the terminal building of the Minot International Airport.
- e. Verification of compliance requirement.

1. To verify that the licensee meets the requirement of subsection (13)d.1., an airport terminal restaurant licensee shall file with the application for license renewal a statement by a certified public accountant indicating that he or she has examined and tested the books and records of the licensee and that the licensee's food sales and alcoholic beverage sales for the previous year meet the requirements of subsection (13)d.1.
2. The city council may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the city council deems necessary.
3. The city council may also, in its discretion, conduct an independent investigation of the sales ratio of food to alcoholic beverages and for such purpose, the licensee agrees to allow inspection of its business records.

§2: This ordinance shall be in effect from and after its passage and approval.

PASSED FIRST READING: January 22, 2019

PASSED SECOND READING:

APPROVED:

ATTEST:

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Shaun Sipma, Mayor

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Kelly Matalka, City Clerk